

REMARKS

In response to the examiner's objection to the drawings, Figures 1 and 4 are amended to change the crosshatch pattern of the cushion strip to reflect the resilient nature of the material. A crosshatch pattern that commonly symbolizes cork, felt, fabric, leather or fiber is used. No new matter is added.

Regarding the examiner's objection to the abstract of the disclosure, the specification is amended to clarify the text. No new matter is added by the amendment. Applicant believes that the amendment addresses the examiner's objections.

Claim 32 is amended to add missing punctuation. Claims 23, 28, 31, and 32 are amended to properly hyphenate "edge-receiving," "upward-facing," and "downward-facing."

Claims 23 is amended to address the section 112 rejection of claims 23-32. In claim 23, the applicant is intending to claim merely the subcombination of the first and second window track strips and not the combination of first and second window track strips assembled with window panes in upper and lower structural panels. Thus, applicant uses third and fourth direction limitations to describe the second window track strip, as the second and third direction are not necessarily the same for an unassembled subcombination, such as during shipping. However, the whereby clause in claim 23 is amended to clarify that only the subcombination of the first and second window track strips is claimed and to relate the first and second to the third and fourth directions when properly assembled. Claim 30, now redundant, is thus cancelled. Also, the limitation "second structural panel" is amended to correct for antecedent basis, and an error in reference numerals is corrected.

Claims 23, 25-27, 29 and 30 were rejected as anticipated by Gates. However, as the examiner's comments made no sense whatsoever when taken together with the Gates reference

but made complete sense with considered with Morinaga et al., the applicant has assumed that the examiner intended to cite to Morinaga instead of Gates. Hence, in response to the assumption that claims 23, 25-27, 29 and 30 were rejected as anticipated by Morinaga, independent claim 23 is amended to include the subject matter of original claim 25, and claim 25 is cancelled. The added limitation of original claim 25 is further narrowed so that the resilient member 82 is connected to and substantially covers the entire surface of said transverse wall of said second window track strip that faces said fourth direction. This amendment is fully supported by the specification, as disclosed, for instance, in Figure 1. This limitation is not disclosed by any of the cited prior art references and is believed to be an unobvious improvement of a window track assembly. Claim 29 is amended consistent with the amendment to claim 23. In view of the amendments to claim 23 and 29, it is believed that claims 23, 26-27, and 29 are novel, unobvious, and in condition for allowance.

Claims 24 and 28 were rejected as unpatentable over Morinaga in view of Melcher and Ehret et al., respectively. In view of the amendment to claim 23, applicant believes that claims 24 and 28 are now patentably distinct and in condition for allowance.

Claims 31-32 were rejected as anticipated by Melcher. Independent claim 31 is amended to include the limitation that the resilient member 82 is connected to and substantially covers the entire upper surface of the downward facing edge receiving receptacle of the lower window track strip. This limitation is not disclosed by any of the cited prior art references and is believed to be an unobvious improvement of a window track assembly. In view of the amendment to claim 31, it is believed that claims 31 and 32 are novel, unobvious, and in condition for allowance.

In summary, claims 23, 24, 26-29, 31, and 32 are pending in the application. Applicant believes the application is in condition for allowance. Allowance of claims 23, 24, 26-29, 31, and 32 and passage to issue is respectfully requested.

Respectfully submitted,

Andrews & Kurth L.L.P.
600 Travis, Suite 4200
Houston, Texas 77002
713/220-3813 (office)
713/238-7163 (facsimile)
Customer No. 23,444



Brett T. Cooke
Reg. No. 55,836

Date: June 1, 2006

enc: (1) Replacement drawing sheet with Figures 1, 2A, 2B, 3 and 4.